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EXAMINER

WOO, ISAAC M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/075,519	<b>Applicant(s)</b> GOLDTHWAITE ET AL.	
	<b>Examiner</b> ISAAC M. WOO	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to Applicant's Amendments on July 03, 2008 have been considered but are deemed moot in view of new ground of rejections below.
2. Claims 1-7, 9-12 and 22 are amended. Claim 8 is canceled. The pending claims are 1-7 and 9-32.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "... may be ...". It is not clearly understood what is meant. "may be", renders the claim indefinite by failing to point out what is being performed. Applicants are advised to amend the claim so solve the 112 rejection set forth in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 9-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa et al (U.S. Patent No. 7,154,538).

With respect to claims 1, 12 and 22, Stevenson teaches a first data store comprising multimedia files having historical information wherein the multimedia files are generated by at least one multimedia application program (i.e., 708 in fig. 7, creation time, col. 9, lines 1-57); a second data store comprising schedule data wherein the schedule data is generated by an application program that is a different application program than the at least one multimedia application program (i.e., 704 in fig. 7, image capturing schedule, col. 9, lines 1-57); and, at least one memory comprising:

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a set of computer readable instructions correlating that, when executed by a processor, correlate selected multimedia files from the first data store with selected schedule data from the second data store by associating the historical information of the multimedia files with the schedule data (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40); and a set of computer readable instructions that, when executed by a processor, provide, by way of a network connection, information indicative of the correlated multimedia file relative to the schedule data such that the multimedia files may be arranged temporally (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claims 2 and 3, Fukasawa teaches at least one of an audio file and a video file (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 4, Fukasawa teaches the correlation is based on time information associated with the multimedia files (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

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With respect to claim 5, Fukasawa teaches the correlation is based upon a second correlation factor (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 6, Fukasawa teaches the second correlation factor is location (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 7, Fukasawa teaches the location is a function of latitude and longitude (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 9, Fukasawa teaches an Internet connection (fig. 2).

With respect to claim 10, Fukasawa teaches the correlation is based upon a probability that the selected multimedia files are related to an event indicated by the selected schedule data (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 11, Fukasawa teaches the correlation is based upon a clustering (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claims 13-15, Fukasawa teaches image data, audio data and text files (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 16, Fukasawa teaches calendar data (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 17, Fukasawa teaches determining a probability that the function of time indicates that the media files have an association with the selected records (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

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With respect to claim 18, Fukasawa teaches correlating the select media files with the selected records in time and space (fig. 7, col. 9, lines 1-57, col. 17, lines 18-67 to col. 18, lines 1-67- to col. 19, lines 1-40).

With respect to claim 19, Fukasawa teaches the correlation in space is a function of a geographic location data associated with the selected media files and geographic location data associated with the selected records (col. 1, lines 6-67 to col. 2, lines 1-63).

With respect to claim 20, Fukasawa teaches the method is provided as a network service over a network connection (col. 1, lines 6-67 to col. 2, lines 1-63).

With respect to claim 21, Fukasawa teaches computer-readable medium bearing computer-readable instructions (col. 1, lines 6-67 to col. 2, lines 1-63).

With respect to claim 23, Fukasawa teaches reading data from one of the first data store and the second data store over a network (col. 1, lines 6-67 to col. 2, lines 1-63).

With respect to claims 24-26, Fukasawa teaches image data, audio data and text files (col. 1, lines 64-67 to col. 2, lines 1-27).

With respect to claim 27, Fukasawa teaches calendar data (col. 1, lines 6-67 to col. 2, lines 1-63).

With respect to claim 28, Fukasawa teaches determining a probability that the function of time indicates that the media files have an association with the selected records (col. 7, lines 12-67 to col. 8, lines 1-65).

With respect to claim 29, Fukasawa teaches correlating the select media files with the selected records in time and space (col. 7, lines 12-67 to col. 8, lines 1-65).

With respect to claim 30, Fukasawa teaches the correlation in space is a function of a geographic location data associated with the selected media files and geographic location data associated with the selected records (col. 7, lines 12-67 to col. 8, lines 1-65).

With respect to claim 31, Fukasawa teaches the method is provided as a network service over a network connection (col. 7, lines 12-67 to col. 8, lines 1-65).

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With respect to claim 32, Fukasawa teaches data from a first application and the second data store comprises data from a second data store (col. 7, lines 12-67 to col. 8, lines 1-65).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.